



Administration
& Management

OFFICE OF THE SECRETARY OF DEFENSE
1950 DEFENSE PENTAGON
WASHINGTON, DC 20301-1950

November 5, 1984

ADMINISTRATIVE INSTRUCTION NO. 45

SUBJECT: Employment of Retired Members of the Armed Forces

- References: (a) [DoD Directive 1402.1](#), "Employment of Retired Members of the Armed Forces," January 21, 1982
(b) Sections 3326, 5303, and 5532 of title 5, United States Code
(c) DoD Directive 1442.4, "Guidelines for the Employment of Experts and Consultants," May 30, 1984
(d) through (g), see enclosure 1

1. PURPOSE

This Instruction implements reference (a) and provides policy, prescribes procedures, and assigns responsibilities for the employment of retired members of the Armed Forces.

2. APPLICABILITY

This Instruction applies to the Office of the Secretary of Defense (OSD); the Organization of the Joint Chiefs of Staff (OJCS); the Inspector General, Department of Defense, and all activities assigned to Washington Headquarters Services (WHS) for administrative support. The term, "Armed Forces," as used herein, refers to the Army, the Navy, the Air Force, the Marine Corps, and the Coast Guard.

3. DEFINITIONS

3.1. Retired Member of the Armed Forces. A member or former member of the Armed Forces who is entitled to retired, retirement, or retainer pay.

3.2. Position. A civilian office or position (including a temporary, part-time, or intermittent position as these terms are defined by the Office of Personnel Management (OPM)) to be filled, with or without compensation, under appointment or personal service contract from appropriated or nonappropriated funds, provided an employer-employee relationship exists.

4. POLICY

It is DoD policy that:

4.1. Positions will be filled with fully qualified employees, generally the "best qualified" under consideration, consistent with merit principles (5 U.S.C. 3326 (reference (b))).

4.2. Retired members of the Armed Forces have a right to seek and be considered for Federal civilian employment. Consideration will be equitable and in compliance with the merit system principle of open competition to avoid both the practice and appearance of preferential treatment.

4.3. Retired members who meet the criteria for an expert or consultant, DoD Directive 1442.4 (reference (c)) may be appointed if there are no other candidates available with more expertise.

5. RESPONSIBILITIES

5.1. The Deputy Assistant Secretary of Defense (Administration) (DASD(A)) shall approve or disapprove each proposed appointment within 180 days of retirement of a former member of the Armed Forces (DoD Directive 1402.1, reference (a)).

5.2. The Director for Personnel and Security (DP&S), WHS, or the Civilian Personnel Officer (CPO), OJCS, as appropriate, shall:

5.2.1. Advertise vacancies in accordance with Administrative Instruction No. 33 (reference (d)) and accept applications from all candidates who meet the criteria prescribed on the Job Opportunity Announcement.

5.2.2. Rate and rank eligible candidates and refer the best qualified to the selecting official or provide an OPM Certificate of Eligibles or both.

5.2.3. Provide staff support in the recruitment of SES candidates in keeping with applicable procedures and OPM guidance and regulations.

5.2.4. Review the documentation submitted by selecting or operating officials for compliance with the law and adherence to the requirements of DoD Directive 1402.1 (reference (a)) and this Instruction and recommend to the DASD(A) concurrence or nonconcurrence of each request.

5.2.5. Advise the selecting official of the decision and, if approved, begin processing under internal operating procedures.

5.2.6. Retain all documentation in the active files for 2 years from the date of appointment action.

5.2.7. Report by SF-50, "Notification of Personnel Action," to the Military Department Finance Center responsible for administering the member's retired or retainer pay (5 U.S.C. 5532, reference (b)).

5.3. Operating officials shall provide documentation to reflect compliance with DoD Directive 1402.1 (reference (a)) and this Instruction, as outlined at enclosures 2 and 3, as appropriate.

5.4. Selecting Officials shall:

5.4.1. Make tentative selections and return signed certificates of eligibles to the DP&S, WHS, or the CPO, OJCS.

5.4.2. If the selectee is a retired member of the Armed Forces who would enter on duty within 180 days after his or her retirement, provide documentation as required by enclosure 2.

5.4.3. If the retiree is being proposed as an expert or consultant within 180 days after his or her retirement, provide documentation as required by enclosure 3.

6. PROCEDURES

6.1. The following principles shall be observed before employing retired members of the Armed Forces:

6.1.1. Positions at the level of GS- and GM-15 and below and in the federal

wage system shall be filled under Administrative Instruction No. 33 (reference (d)). Senior Executive Service (SES) positions will be filled under applicable procedures, (Public Law 95-454 (reference (e))) OPM guidance and regulations.

6.1.2. When appointment is in the competitive civil service and selection is from an established civil service register, retired members of the Armed Forces shall be accorded treatment consistent with regulations issued by the OPM.

6.1.3. When the selection for appointment, whether inside or outside the competitive civil service, is other than from an established civil service register, recruitment for the position shall be conducted in a way that:

6.1.3.1. Ensures reasonable efforts are made to obtain applicants from all possible sources to avoid any suspicion of attempts to restrict competition unduly; and

6.1.3.2. Adheres to the principles of merit selection.

6.1.3.2.1. This principle requires that vacancies be well publicized, recruitment be conducted over a sufficient period of time to give all interested candidates an opportunity to apply, and qualifications reflect valid performance requirements of positions.

6.1.3.2.2. When selecting a retired member, it shall be established that the member is better qualified than any inservice candidate. This requirement does not necessitate special recruitment efforts or delays in selection for shortage category positions for which OPM has authorized advanced in-hiring rates (5 U.S.C. 5303 (reference (b))).

6.1.4. Positions may not be held open pending the retirement of a member of the Armed Forces thus providing that person with a preferential opportunity to apply for or be appointed to the position. Active recruitment shall be initiated when the position becomes vacant, unless suspension of recruitment can be justified fully for management reasons unrelated to the impending retirement of a member of the Armed Forces.

6.1.5. If the position was last occupied by the proposed appointee or another military incumbent, change to civilian incumbency must meet a bonafide management need and not be to afford civilian employment to the proposed appointee.

6.2. Appointments Within 180 Days After Retirement

6.2.1. Appointments or transfers of retired members of the Armed Forces to positions covered under this Instruction during the 180 days immediately following retirement may be made only when:

6.2.1.1. The appointment is to a position for which the minimum rate of basic compensation has been increased by the OPM under the authority of 5 U.S.C. 5303 (reference (b)); or

6.2.1.2. The appointment is to a position for which:

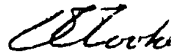
6.2.1.2.1. Equally well-qualified personnel are not available among the employees being considered under applicable inservice placement and promotion procedures;

6.2.1.2.2. Current or former employees are not available among those required to be considered in priority placement programs, among those on the OSD/OJCS Reemployment Priority Lists , or under the OPM Displaced Employee Program; and

6.2.1.2.3. Intensive external recruitment efforts have failed to produce any better qualified candidates.

7. EFFECTIVE DATE

This Instruction is effective immediately.



D. O. Cooke
Deputy Assistant Secretary of Defense

Enclosures - 3

- E1. References, continued
- E2. Information To Accompany Requests for Approval of Proposed Appointment of Retired Members of the Armed Forces
- E3. Information To Accompany Requests for Approval of Proposed Appointments of Retired Members of the Armed Forces for Expert and Consultant Positions

E1. ENCLOSURE 1

REFERENCES, continued

- (d) [Administrative Instruction No. 33](#), "Merit Promotion," May 18, 1981
- (e) Public Law 95-454, "Civil Service Reform Act"
- (f) Office of Personnel Management (OPM) Handbook X-118, "Qualification Standards for Positions Under the General Schedule," reprinted January 1979
- (g) DoD 5000.12-M, "DoD Manual for Standard Data Elements," December 1982

E2. ENCLOSURE 2

INFORMATION TO ACCOMPANY REQUESTS FOR APPROVAL OF PROPOSED APPOINTMENTS OF RETIRED MEMBERS OF THE ARMED FORCES

E2.1. Information About the Proposed Appointee

E2.1.1. The effective date (YYMMDD) of retirement from the Armed Forces.

E2.1.2. Rank at time of retirement.

E2.1.3. Pay grade and Uniformed Service at the time of retirement, whether regular or nonregular. (Use the DoD standard data chain for Pay Grade reference number, PA-SN, in accordance with DoD 5000.12-M (reference (g)).)

E2.1.4. A current SF 171, "Personal Qualifications Statement," completed by the proposed appointee.

E2.2. Information About the Position Involved

E2.2.1. Date (YYMMDD) the position was established.

E2.2.2. Date (YYMMDD) it was last occupied.

E2.2.3. Whether the position was converted from military to civilian status.

E2.2.4. Date (YYMMDD) of conversion (if converted).

E2.2.5. Reason for conversion.

E2.2.6. Whether the proposed appointee was the last military occupant.

E2.2.7. A current position description.

E2.2.8. Whether the position is continuing or temporary.

E2.2.9. A copy of the qualification standards covering the position.
(Alternatively, reference may be made to OPM Handbook X-118 (reference (f)) when X-118 standards are applied without modification.)

E2.2.10. Whether efforts to fill the position have been continuous since it became

vacant; if not, the reasons therefor.

E2.3. Consideration of Career Employees

To ensure that full consideration under placement and promotion procedures of OSD and OJCS was given to eligible career employees, the following information shall be included:

E2.3.1. A copy of any notice used to publicize the vacancy to interested career employees.

E2.3.2. Documentation on how the proposed appointee is superior to all qualified employees given consideration.

E2.3.3. A statement whether the appropriate placement and promotion procedures were followed; if these procedures were not followed, the reasons therefor.

E2.4. Appointment From a Civil Service Register (information additional to section E2.1., E2.2., and E2.3., above)

When the proposed appointee has eligibility on an appropriate civil service register and has been selected for appointment, the following additional information shall be provided:

E2.4.1. A copy of the certificate of eligibles on which the proposed appointee's name appears. The examination announcement under which the proposed appointee filed shall be identified if it is not included on the certificate itself.

E2.4.2. A copy of the request for the certification, including selective factors and names of nominees if selective certification or name request was involved.

E2.4.3. A statement as to how the proposed appointee is superior to any eligibles standing higher on the certificate.

E2.5. Appointment From Other Than a Civil Service Register (information additional to sections E2.1., E2.2., and E2.3., above)

When it is proposed to appoint a retired member from other than a civil service register, the following additional information shall be provided:

E2.5.1. Under what authority (OPM regulation) the retired member will be appointed.

E2.5.2. If temporary appointment pending establishment of register authority has been secured, a copy of the request for a certificate of eligibles, including selective factors and a copy of the authority.

E2.5.3. If any positive recruiting efforts were made to seek out applicants for the position, the methods used (including specific dates and places), copies of any notices publicizing the vacancy, and any contacts with recruiting sources.

E3. ENCLOSURE 3

INFORMATION TO ACCOMPANY REQUESTS FOR APPROVAL OF PROPOSED APPOINTMENTS OF RETIRED MEMBERS OF THE ARMED FORCES FOR EXPERT AND CONSULTANT POSITIONS

E3.1. Information About the Proposed Appointee

E3.1.1. The effective date (YYMMDD) of retirement from the Armed Forces.

E3.1.2. Rank at time of retirement.

E3.1.3. Pay grade and Uniformed Service, at the time of retirement, whether regular or nonregular. (Use the DoD standard data chain for Pay Grade reference number, PA-SN, in accordance with DoD 5000.12-M (reference (g)).)

E3.1.4. A current SF 171, Personal Qualifications Statement, completed by the proposed appointee.

E3.2. Information About the Expert and Consultant Services Involved

E3.2.1. Advisory committees

E3.2.1.1. A statement regarding the charter of the advisory committee.

E3.2.1.2. If the proposed appointee is to be paid, a statement that the expertise or viewpoint to be offered by the consultant is not otherwise available without cost.

E3.2.2. All other appointments

E3.2.2.1. A statement regarding the duties to be performed.

E3.2.2.2. A statement regarding the proposed appointee's qualifications in relation to the duties concerned.

E3.3. Consideration of Career Employees

E3.3.1. A statement that the specialized opinions or professional or technical advice does not exist or is not available within OSD and OJCS.

E3.3.2. A statement that the services to be performed are not needed continuously.

E3.3.3. A statement of need for outside points of view on administrative or technical issues (if applicable).

E3.3.4. A statement of requirement for the opinion of a noted expert on special projects whose national or international prestige contributes to the success of the undertaking (if applicable).